

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD CURTIS DAVIS,

Defendant.

CASE NO. CR10-5219RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Counsel's Motion to Withdraw [Dkt. #125]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Michael E. Schwartz, Esq., moves to withdraw as counsel for the defendant, Bernard Curtis Davis, based on a break down in the attorney-client relationship resulting in irreconcilable differences. In his Declaration [Dkt. #126], Mr. Schwartz states that he and the defendant have "reached a dead end as to the appropriate way to proceed" in the case such that Mr. Schwartz can no longer provide the defendant with the effective assistance of counsel. Mr. Schwartz also indicates that Davis no longer wishes Mr. Schwartz to represent him and requests new counsel be appointed.

1 Davis has also filed a Declaration [Dkt. #117] and written two letters to the Court [Dkt.
2 #120 addressed to Chief Judge Lasnik; Dkt. #123] where he requests new counsel. In his filings,
3 Davis indicates that he and Mr. Schwartz do not agree as to the merits of arguments that Davis
4 wants presented, and also outlines the break-down in communication between them.

5 It is apparent from a review of the documents filed by Davis that he is extremely upset
6 with his attorney. For example, in a letter written by Davis to his attorney [Dkt. #124, sealed by
7 the Court], Davis accuses Mr. Schwartz of lying to him. And, while not dispositive, Davis has
8 filed a bar complaint against Mr. Schwartz. The dispute between them involves Davis'
9 insistence that Mr. Schwartz file motions challenging the jurisdiction of this Court and Mr.
10 Schwartz' refusal to file the motions. From the papers submitted by Davis, it is apparent that
11 Davis is confused about the role of former SAUSA Gerald Costello. It is also apparent from
12 Davis' filings and from Mr. Schwartz' Motion to Withdraw that Davis no longer trusts the advice
13 of Mr. Schwartz as to how to proceed.

14 Accordingly, Counsel's Motion to Withdraw [Dkt. #125] is **GRANTED**. The CJA
15 Administrator shall locate new counsel from the CJA Panel. Mr. Schwartz shall remain as
16 counsel of record until new counsel is appointed.

17 Davis continues to attempt to file documents on his own behalf. The Court has
18 previously informed Davis that he is represented and may not file documents on his own behalf.
19 [Dkt. #58] The Court will no longer accept any documents sent directly from Davis. The
20 documents sent to the Court on May 11, May 12, and May 17, 2011 will be forwarded to his
21 newly appointed attorney. If any more documents are received, they will be forwarded to his
22 newly appointed attorney. Any motions previously filed by Davis (except the Declaration and
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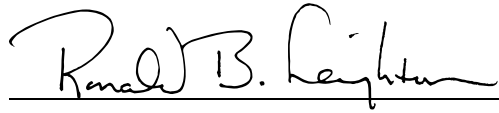
1 two letters requesting new counsel addressed in this Order) will not be ruled on by this Court.

2 [See Dkt. #s 120, 121 and 122.)

3 **IT IS SO ORDERED.**

4 The Clerk shall send uncertified copies of this order to all counsel of record, and to any
5 party appearing pro se.

6 Dated this 24th day of May, 2011.

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9 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE